

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 03-11

Introduced by Council Member Miller

Legislative Day No. 03-6 Date March 4, 2003

AN ~~EMERGENCY~~ ACT to repeal and reenact, with amendments, Section 267-34, AG Agricultural District, of Article VI, District Regulations, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; ~~to repeal the transfer of development rights process~~ to provide the conditions and restrictions under which development rights may be transferred to or from parcels zoned AG; to provide that those development rights transferred through recordation in the land records of Harford County prior to a certain date shall not be subject to this Act; and generally relating to transfer of development rights.

By the Council, March 4, 2003

Introduced, read first time, ordered posted and public hearing scheduled

on: April 1, 2003

at: 6:15 p.m.

By Order: _____, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____ and concluded on _____

Mary Kate Herzig, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment

BILL NO. 03-11

As Amended

Section 1. Be It Enacted By The County Council of Harford County, Maryland, That Section 267-34, AG Agricultural District, of Article VI, District Regulations, of Part1, Standards, of Chapter 267, Zoning , of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with amendments, to read as follows:

Chapter 267. Zoning.

Part 1. Standards.

Article VI. District Regulations.

Section 267-34. AG Agricultural District.

A. The purpose of this district is to provide for continued farming activities, conserve agricultural land and reaffirm agricultural uses, activities and operations within the agricultural zoned areas. It is the further purpose of this district to maintain and promote the rural character of this land as well as promote the continuance and viability of the farming and agricultural uses. Low density residential development is also permitted.

B. Agricultural use. An agricultural operation, facility or any of its appurtenances receiving an AG or RA assessment, shall not be considered a nuisance, either public or private as a result of changed land uses in or around the locality of such an agricultural operation, or facility. The operation of machinery, when used for agricultural purposes, shall be permitted at any time. Furthermore, any changes in said operation and in conformity with industry accepted horticultural, agronomic, animal husbandry, aqua cultural and other agricultural standards does not constitute a nuisance.

C. General regulations. Minimum lot area, maximum lot area, maximum average lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot

width, front, side and rear yard and maximum building height, as displayed in Table II, shall apply, subject to other requirements of this Part 1.

D. Specific regulations. The following uses are permitted, subject to the additional requirements below:

(1) Agriculture, provided that all buildings associated with this use, including farmhouses, barns and silos, meet the required minimum setbacks for principal uses. The operation of machinery, when used for agricultural activities, shall be permitted at any time. Buildings in which animals are housed or kept shall comply with the following setbacks from adjacent residential lots:

	Setback From Adjacent
Number of	Residential Lot
Animal Units	(feet)
1 to 2	50
3 to 10	100
11 or more	200

(2) Agricultural retail sales, provided that the property is zoned Ag-Agricultural, receives an agricultural assessment and that no more than 20% of the total area of the agricultural retail use or structure is dedicated to non-agricultural products. For the purposes of this paragraph, "non-agricultural product" includes any processed form of an agricultural product.

(3) Residential development, on parcels as described in the land records of February 8, 1977, as provided below:

BILL NO. 03-11
As Amended

1 (a) One lot shall be permitted on any parcel of land that is
2 less than 11 acres.

3 (b) Two lots shall be permitted on any parcel of land that
4 is from 11 acres to 19.99 acres.

5 (c) An additional lot shall be permitted for each additional
6 10 acres in excess of 20.

7 (d) An additional lot shall be permitted for any member of
8 the immediate family of persons who were individual owners of
9 record (not corporate, partnership or joint-venture owners) of the
10 parcel. Immediate family shall be limited to fathers, mothers,
11 brothers, sisters, sons and daughters.

12 (e) Any new lot created pursuant to Subsection D(2)(a)
13 through (d) above shall be a minimum of two acres unless the lot is
14 located in an Agriculture Preservation District established pursuant to
15 § 2-501 et seq. of the Agriculture Article of the Annotated Code of
16 Maryland, then the lot size shall be that as approved by the state. In
17 the event that the primary parcel is removed from the district, the
18 owner shall submit a revised subdivision plan, establishing a
19 minimum lot size of two acres. At such time, the owner or his
20 successors in title shall prepare and record the necessary deeds for the
21 two-acre conveyance and shall notify, in writing, the Department of
22 Planning and Zoning of the conveyance.

BILL NO. 03-11
As Amended

{(f) The development rights created herein may be transferred pursuant to Subsection D(4) below.

~~(4) Development rights established in Subsection D(3) may be transferred from one parcel to another parcel, either contiguous thereto or within 500 feet therefrom, within this district in accordance with the following:~~

~~(a) All development rights shall be transferable except one right for each existing dwelling unit, provided that in no event shall less than one right be retained with the parcel. The right to a family conveyance shall not be transferable.~~

~~(b) Contiguous parcels under common ownership may be considered one parcel.~~

~~(c) Development rights shall only be transferred by agreement, deed, easement or other written instrument, which shall be recorded among the land records of the county. The document shall limit future development in accordance with these provisions.}~~

(4) DEVELOPMENT RIGHTS ESTABLISHED IN SUBSECTION D(3) MAY BE TRANSFERRED FROM ANY PARCEL WITH AN AG ZONING TO ANY OTHER PARCEL WITH AN AG ZONING WHICH IS LOCATED WITHIN ONE-HALF MILE OF THE PARCEL FROM WHICH THE DEVELOPMENT RIGHTS ARE BEING TRANSFERRED AS PROVIDED BELOW:

(a) ALL DEVELOPMENT RIGHTS SHALL BE TRANSFERABLE EXCEPT ONE RIGHT FOR EACH EXISTING

1 DWELLING UNIT, PROVIDED THAT IN NO EVENT SHALL
2 LESS THAN ONE RIGHT BE RETAINED WITH THE PARCEL.
3 THE RIGHT TO A FAMILY CONVEYANCE SHALL NOT BE
4 TRANSFERABLE.

5 (b) CONTIGUOUS PARCELS UNDER COMMON
6 OWNERSHIP MAY BE CONSIDERED ONE PARCEL.

7 (c) DEVELOPMENT RIGHTS SHALL ONLY BE
8 TRANSFERRED BY AGREEMENT, DEED, EASEMENT OR
9 OTHER WRITTEN EASEMENT, WHICH SHALL BE RECORDED
10 IN THE LAND RECORDS OF HARFORD COUNTY.

11 (d) THE DOCUMENT TRANSFERRING THE
12 DEVELOPMENT RIGHTS WHICH IS RECORDED IN THE LAND
13 RECORDS OF HARFORD COUNTY AS REQUIRED UNDER
14 SUBSECTION (4) (c) SHALL LIMIT FUTURE
15 DEVELOPMENT RIGHTS ON THE PARCEL FROM WHICH THE
16 DEVELOPMENT RIGHTS WERE TRANSFERRED IN
17 ACCORDANCE WITH THE NUMBER OF RIGHTS
18 TRANSFERRED.

19 (e) THE PARCEL RECEIVING THE DEVELOPMENT
20 RIGHTS SHALL ONLY BE PERMITTED TO INCREASE IN
21 DEVELOPMENT RIGHTS BY UP TO 50% OF THE
22 DEVELOPMENT RIGHTS AS WERE PERMITTED ON THE

1 PARCEL AS OF FEBRUARY 8, 1977, EXCLUDING FAMILY
2 CONVEYANCES.

3 (f) DEVELOPMENT RIGHTS TRANSFERRED
4 UNDER THIS SUBSECTION SHALL ONLY BE PERMITTED TO
5 BE TRANSFERRED ONCE.

6 (g) A PARCEL FROM WHICH DEVELOPMENT
7 RIGHTS HAVE BEEN TRANSFERRED PURSUANT TO THIS
8 SUBSECTION, SHALL NOT BE PERMITTED TO RECEIVE
9 DEVELOPMENT RIGHTS PURSUANT TO THIS SUBSECTION.

10 ~~[(5)]~~ (4) (5) Conservation development pursuant to the conservation standards
11 as provided in § 267-46.1.

12 ~~[(6)]~~ (5) (6) Conversion of existing single-family detached dwellings to
13 accommodate not more than four dwelling units shall be permitted in accordance with the
14 following:

- 15 (a) The minimum lot size shall be two acres.
- 16 (b) The lot shall contain at least one acre for each dwelling unit.
- 17 (c) A minimum of two off-street parking spaces shall be
18 provided for each dwelling unit.

19 ~~[(7)]~~ (6) (7) Rubble landfills are permitted in accordance with § 267-40.1 of
20 this chapter.

21 ~~[(8)]~~ (7) (8) Fire stations with fire station assembly halls shall be permitted in
22 accordance with the following:

BILL NO. 03-11
As Amended

1 (a) Access to the fire station and the fire station assembly
2 hall shall be from a road designated as principal arterial or minor
3 arterial in the major road plan; and

4 (b) Only one fire station with a fire station assembly hall is
5 permitted in the Ag District for each volunteer fire company.

6 [(9)] (8) (9) Agricultural public events. These activities are permitted, provided
7 the following criteria are met:

8 (a) Minimum parcel area of 20 acres with an agricultural
9 assessment.

10 (b) The following setbacks shall apply unless otherwise
11 specified:

12 (1) Minimum of 100 feet from all property
13 lines, except road frontage and 200 feet from any off-
14 site residence.

15 (2) Corn maze. Minimum of 25 feet from
16 property lines and 200 feet from any off-site residence.

17 (3) Farm tours. No setback for the use. The
18 parking area shall be a minimum of 100 feet from
19 property lines except road frontage and 200 feet from
20 any off-site residence. This area shall be covered with
21 gravel and screened pursuant to § 267-28D.

22 (c) Must be owner or tenant operated. Employees may
23 include only family members living on the site and not more than the

BILL NO. 03-11
As Amended

1 total of 160 equivalent employment hours by outside employees per
2 week.

3 (d) No operation between the hours of 10:00 p.m. and 7:00
4 a.m.

5 (e) Any lighting shall be shielded and directed away from
6 any off-site residence and may be used only during the permitted
7 hours of operation.

8 (f) Safe and adequate access shall be provided for
9 vehicular traffic, to be determined by the State Highway
10 Administration or Harford County.

11 (g) Adequate arrangements for temporary sanitary
12 facilities must be in accordance with Health Department regulations.

13 (h) Tenant farmer/tenant operator is an individual or
14 business entity that is actively producing or managing livestock, crops
15 or other agricultural products and is not the owner of the property
16 being farmed. Agreement for this use is usually compensated by a
17 contract for rent, lease or on a crop sharing basis.

18 Section 2. And Be It Further Enacted, That this Act shall be construed only prospectively
19 and shall not be applied or interpreted to have any effect on or application to any development
20 rights transferred through recordation in the land records of Harford County prior to the effective
21 date of this Act.

22 ~~Section 3. And Be It Further Enacted, That this Act is declared to be an emergency act~~
23 ~~necessary to preserve agricultural land in the County and to prevent the further misuse of the~~

BILL NO. 03-11

As Amended

- 1 ~~transfer of development rights process which is being used to transfer development rights well~~
2 ~~beyond the intended 500 foot limitation by way of transferring development rights through~~
3 ~~intervening parcels and that this Act shall take effect on the date it becomes law~~
4 Section 3. And Be It Further Enacted, That this Act shall take effect 60 calendar days from the
5 date it becomes law

EFFECTIVE: July 14, 2003

**BILL NO. 03-11
As Amended**

HARFORD COUNTY BILL NO. 03-11

Brief Title) Transfer of Development Rights - Repeal

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mary Kate Herbig
Acting Administrator

Date May 7, 2003

ENROLLED
Robert S. Wagner
Council President
Date May 7, 2003

BY THE COUNCIL

Read the third time.

Passed: LSD 03-12

Failed of Passage: _____

By Order

Mary Kate Herbig
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of May, 2003 at 4:00 p.m.

Mary Kate Herbig
Acting Council Administrator



BY THE EXECUTIVE

James M. Hartman
COUNTY EXECUTIVE

APPROVED: Date 5-13-03

BY THE COUNCIL

This Bill (No. 03-11 as amended), having been approved by the Executive and returned to the Council, becomes law on May 13, 2003.

EFFECTIVE DATE: July 14, 2003

Mary Kate Herbig
Acting Council Administrator

**BILL NO. 03-11
As Amended**